



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HOLLOW STYLET FOR INFUSION CATHETER SYSTEMS, DEVICES AND METHODS.**

The specification of which was filed on January 8, 2004 as application serial no. 10/753,979.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number

60/439728

Filing Date

January 13, 2003

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nielsen, Walter W.	Reg. No. 25,539
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Obermark, Thomas C.	Reg. No. 55,506
Beekman, Marvin L.	Reg. No. 38,377	Houston, Bruce E.	Reg. No. 55,280	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. K.	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Jurkovich, Patti J.	Reg. No. 44,813	Peacock, Gregg A.	Reg. No. 45,001
Black, David W.	Reg. No. 42,331	Kalis, Janal M.	Reg. No. 37,650	Perdok Shonka, Monique M.	Reg. No. 42,989
Bohaneck, Robert	Reg. No. 52,627	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Price, Lucinda G.	Reg. No. 42,270
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Prout, William F.	Reg. No. 33,995
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Schumm, Sherry W.	Reg. No. 39,422
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Schwegman, Micheal L.	Reg. No. 25,816
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Speier, Gary J.	Reg. No. 45,458
DeLizio, Andrew	Reg. No. 52,806	McCrackin, Ann M.	Reg. No. 42,858	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Mehrle, Joseph P.	Reg. No. 45,535	Tang, Zhengnian	Reg. No. 55,666
Embretson, Janet E.	Reg. No. 39,665	Morris, Nicole N.	Reg. No. 55,467	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Garrett, John R.	Reg. No. 27,888	Nelson, A. James	Reg. No. 28,650		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Martin Brady**
Citizenship: **United States of America**
Post Office Address: **14219 Robcaste Road**
Phoenix, MD 21131

Residence: **Phoenix, MD**

Signature: 
Martin Brady

Date: MAY 6, 2004

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

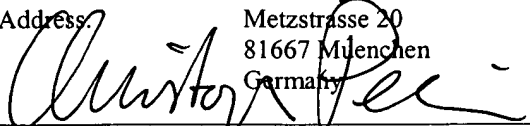
Full Name of joint inventor number 2 : **Christoph Pedain**

Citizenship: **Germany**

Residence: **Muenchen Germany**

Post Office Address: Metzstrasse 20
81667 Muenchen
Germany

Signature: _____



Christoph Pedain

Date: _____

5/7/2004

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

S/N 10/753,979

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin Brady et al. Examiner: Unknown
Serial No.: 10/753,979 Group Art Unit: 3763
Filed: January 8, 2004 Docket: 723.065US1
Title: HOLLOW STYLET FOR INFUSION CATHETER SYSTEMS, DEVICES AND METHODS



COMMUNICATION RE: CHANGE OF ENTITY STATUS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant's Representatives note that small entity status is inappropriate in the above-identified patent application. This communication is being sent to formally note withdrawal of small entity status in accordance with 37 C.F.R. 1.27(g)(2) and 37 C.F.R. 1.28(c). Because no payment of fees were included in the filing of the above-identified patent application, and because large-entity filing fees being submitted herewith, no deficiency payment is believed due. However if deemed necessary, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743.

Please contact Applicant's Representatives, at the below-listed telephone number, if there are any questions relating to this matter.

Respectfully submitted,

MARTIN BRADY ET AL.
By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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(612) 373-6951

Date June 14, 2004 By Suneel Arora
Suneel Arora
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14th day of June, 2004.

Patricia A. Hoffman
Name

[Signature]
Signature